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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,777	10/04/2004	Chan-Chun Sung		5776
47579	7590	05/02/2006		
TAIWAN INDUSTRIAL FASTENER CORPORATION P. O. BOX 108-00403 TAIPEI, TAIWAN				
			EXAMINER BRITTAIN, JAMES R	
			ART UNIT 3677	PAPER NUMBER

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/711,777	Applicant(s) SUNG, CHAN-CHUN	
	Examiner James R. Brittain	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2006.
- 2a) ☒ This action is FINAL.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Each independent claim indicates that the opening is formed in the “top surface”, while the “side opposite to said opening comprises a receiving chamber”. The opening 11 must be still be opposite the receiving chamber 13 as indicated in the specification where the fitting portion of the male buckling element fits into the opening of the female buckling element as both claimed and described in the specification. It is unclear what is being referred to as the top surface because in a vacuum this may not be considered to be the entrance opening of the female buckling element. However, the claim is consistent by indicating that the opening is the entrance opening and this is born out by reference to the specification for the use of terminology. Therefore the claim is being interpreted as the top surface being the surface forming the entrance opening 11 and applicant should utilize language more consistent with such structure.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. §102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 are rejected under 35 U.S.C. §102(b) as being clearly anticipated by Lerra et al. (US 6226844).

Lerra et al. (figures 8-10) teach a rotary buckle comprising: a female buckling element, comprising an opening and a buckling portion, wherein a side opposite to the opening comprises a receiving chamber for receiving a knitted belt; and a male buckle element, comprising a fitting portion for fitting into the opening of the female buckling element and a latching portion for positioning into the buckling portion of the female buckling element, wherein a side opposite to the fitting portion comprises a receiving chamber for receiving a knitted belt in the side opposite to the opening of the female buckling element comprises a track along which a directing element of the receiving chamber can be rotated, and wherein a side opposite to the fitting portion comprises a receiving chamber and a side opposite to the fitting portion of the male buckling element comprises a track 101, 102, 103 along which a directing element of the receiving chamber can be rotated. Figures 10 and 10a show the directing elements of the receiving chambers for both the male buckling element and the female buckling element in the aligned position, but clearly fitting within tracks. Figure 9 shows the rotation of the receiving chambers relative to the male and female buckling elements. This rejection is written for claim 5 as this claim is the most detailed of the three independent claims. However, claims 1 and 3 are rejected for the same reasons since they only require either the female buckling element or the male buckling element to have the track and rotatable directing element, respectively, and therefore fall within the rejection of claim 5. As to the dependent claims, the flexible nature of the strap to which the receiving chambers of the male and female buckling elements are secured permits

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these receiving chambers to rotate up to 90° relative to those straps and thereby meet the language of these claims.

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. §103(a) as being unpatentable over Lerra et al. (US 6226844) in view of Fudaki (US 5263234).

Lerra et al. (figures 8-10) teach a rotary buckle comprising: a female buckling element, comprising an opening and a buckling portion, wherein a side opposite to the opening comprises a receiving chamber for receiving a knitted belt; and a male buckle element, comprising a fitting portion for fitting into the opening of the female buckling element and a latching portion for positioning into the buckling portion of the female buckling element, wherein a side opposite to the fitting portion comprises a receiving chamber for receiving a knitted belt in the side opposite to the opening of the female buckling element comprises a track along which a directing element of the receiving chamber can be rotated, and wherein a side opposite to the fitting portion comprises a receiving chamber and a side opposite to the fitting portion of the male buckling element comprises a track 101, 102, 103 along which a directing element of the receiving chamber can be rotated. Figures 10 and 10a show the directing elements of the receiving chambers for both the male buckling element and the female buckling element in the aligned position, but clearly fitting within tracks. Figure 9 shows the rotation of the receiving chambers

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relative to the male and female buckling elements. Further Lerra et al. state “For example, while the invention has been discussed above in the context of side release buckles, the releasably engageable portions of a standardized buckle could be of any desired type, e.g., center release buckles or buckles having a half-twist locking mechanism” (col. 6, lines 40-45). This is a very explicit statement that the teachings are applicable to center release buckles of the Fudaki (figures 1-5) variety. Therefore, it would have been obvious to modify the buckle of Lerra et al. so that it is used on a center release buckle since Lerra et al. states that it can be done and Fudaki shows an example of such a buckle being well known as a standard buckle. This rejection is written for claim 5 as this claim is the most detailed of the three independent claims. However, claims 1 and 3 are rejected for the same reasons since they only require either the female buckling element or the male buckling element to have the track and rotatable directing element, respectively, and therefore fall within the rejection of claim 5. As to the dependent claims, the flexible nature of the strap to which the receiving chambers of the male and female buckling elements are secured permits these receiving chambers to rotate up to 90° relative to those straps and thereby meet the language of these claims.

### ***Response to Arguments***

Applicant's arguments filed March 6, 2006 have been fully considered but they are not persuasive.

Applicant's arguments are not supported by the claim construction for the reasons given above, wherein the “opening” must be entrance opening to receive the male buckling element. However, even assuming that the claim is amended to distinguish between a “side” release and applicant's type of release, clearly the use of a “top” release is well documented in this field of

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endeavor as indicated above and is an obvious modification of the buckle of Lerra et al. Lerra et al. explicitly indicate so. In regard to the range of angular motion, the manner in which the range is calculated is unstated and as indicated in the rejection, "the flexible nature of the strap to which the receiving chambers of the male and female buckling elements are secured permits these receiving chambers to rotate up to 90° relative to those straps and thereby meet the language of these claims" (underlining herein added).

### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

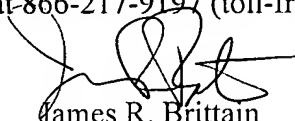
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is (571) 272-7065. The examiner can normally be reached on M-F 5:30-2:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James R. Brittain  
Primary Examiner  
Art Unit 3677

JRB